



Foreign Affairs Manual

VOLUME 9 – Visas

Change Transmittal: VISA-1972

Date: March 4, 2013

9 FAM 41.85 NOTES

Changes

1. This Change Transmittal drastically rewrites 9 FAM 41.85 Notes in order to codify the interim guidance pertaining to U Visa Processing issued by CA/VO in the unclassified State Department cable 076244.

Old Location	Old Title	New Location	New Title
9 FAM 41.85 N1.1	Benefits to Certain Victims of Criminal Activity	Deleted	
9 FAM 41.85 N1.2	Qualifications For U Nonimmigrant Classification	9 FAM 41.85 N1.1	Qualifications For U Nonimmigrant Classification
9 FAM 41.85 N1.3	Qualifying Criminal Activity	9 FAM 41.85 N1.2	Qualifying Criminal Activity
9 FAM 41.85 N1.4	Benefits Extend to Certain Family Members	9 FAM 41.85 N1.3	Benefits Extend to Certain Family Members
9 FAM 41.85 N1.5	Certification Required	9 FAM 41.85 N1.4	Certification Required
9 FAM 41.85 N2	Eligibility Requirements for U Nonimmigrant status	Deleted	

9 FAM 41.85 N2.1	Possession of Information Concerning the Qualifying Criminal Activity	9 FAM 41.85 N1.5	Possession of Information Concerning the Qualifying Criminal Activity
9 FAM 41.85 N2.2	Definition of the Term "Helpful"	9 FAM 41.85 N1.6	Definition of the Term "Helpful"
9 FAM 41.85 N2.3	Criminal Activity Must Have Violated U.S. Law or Occurred in the United States	9 FAM 41.85 N1.7	Criminal Activity Must Have Violated U.S. Law or Occurred in the United States
9 FAM 41.85 N3	Filing the petition to request U Nonimmigrant status	9 FAM 41.85 N2	Filing the petition to request U Nonimmigrant status
		9 FAM 41.85 N2.1	Collection of Ink and Paper Fingerprints at Embassies and Consulates in Support of U Petition
		9 FAM 41.85 N2.2	USCIS has Sole Authority to Grant U Nonimmigrant Status
9 FAM 41.85 N3.1	Filing Form I- 918, Petition for U Nonimmigrant Status From Either Inside or Outside the United States	Deleted	
9 FAM 41.85 N3.2	U.S. Citizenship and Immigration	9 FAM 41.85 N2.2	USCIS has Sole Authority to

	Services (USCIS) Granting U Nonimmigrant Classification		Grant U Nonimmigrant Status
9 FAM 41.85 N4	Processing U Visa Applicants Overseas	9 FAM 41.85 N3	Processing U Visa Applicants Overseas
9 FAM 41.85 N4.1	Evidence Forming Basis for U Visa Issuance	9 FAM 41.85 N3.1	Verify I-918 Petition Validity in PIMS
9 FAM 41.85 N4.2	Validity, Fees, and Reciprocity	9 FAM 41.85 N3.2	Validity, Fees, and Reciprocity
		9 FAM 41.85 N3.3	Age-out Protection is Limited
		9 FAM 41.85 N3.4	Public Charge can be Waived
9 FAM 41.85 N5	Suspending action on an alien's U nonimmigrant visa application	Deleted	
		9 FAM 41.85 N3.5	Parental Consent for Minors
		9 FAM 41.85 N3.6	Passport Waivers
		9 FAM 41.85 N4	Waiver of Inadmissibility
9 FAM 41.85 N6	Travel outside the United States	9 FAM 41.85 N5	Travel outside the United States
9 FAM 41.85 N7	Maximum Stay in U Nonimmigrant status	9 FAM 41.85 N6	Maximum Stay in U Nonimmigrant status
9 FAM 41.85 N8	Nonimmigrant status to	9 FAM 41.85 N7	Nonimmigrant status to

	permanent resident status		permanent resident status
9 FAM 41.85 N9	Waiver of Inadmissibility	Deleted	
9 FAM 41.85 N10	Revocation of U Nonimmigrant status	9 FAM 41.85 N8	Revocation of U Nonimmigrant status
9 FAM 41.85 N11	Admission of qualifying family members	9 FAM 41.85 N9	Admission of qualifying family members
		9 FAM 41.85 N10	Form I-929, or "SU" Immigrant Visas
9 FAM 41.85 N12	DERIVATIVE U NONIMMIGRANT STATUS FILING PROCEDURES	Deleted	
9 FAM 41.85 N13	Biometric Services for U Visa Petitioners and Derivative Beneficiaries	Deleted	
9 FAM 41.85 N13.1	Submission of Fingerprints in Support of U Petition	Deleted	
9 FAM 41.85 N13.2	Filing and Biometric Services Fees for U Nonimmigrant Status Applicants	Deleted	

2. Current changes are shown in *italic* and *dark magenta* to make it easier for the reader to identify them. However, if 50% or more of the subchapter is being revised, the *italic* and *dark magenta* can make it harder to identify changes. In those cases, normal black font is used throughout.

3. Officers are reminded that Department-issued materials not codified in the Foreign Affairs Manual or its supplemental Foreign Affairs Handbook series generally have no regulatory validity (see 2 FAM 1111.1).
4. The office responsible for the material in this subchapter is CA/VO/L/R. Please direct questions concerning content substance and interpretation to this office. Administrative questions on the Foreign Affairs Manual or Handbooks can be directed to A/GIS/DIR, Office of Directives Management.

Filing Instructions (Paper Copies)

1. Remove and discard the old 9 FAM 41.85 Notes (CT:VISA-1590; 10-18-2010) and insert the new 9 FAM 41.85 (CT:VISA-1972; 03-04-2013).
2. After inserting the material in the binder, insert this change transmittal letter immediately following the CT Checklist, then fill in the entry line for CT:VISA-1972 and initial.

Distribution Notice

1. The Foreign Affairs Manual and Handbooks (unclassified) official version can be found on the State Department's Intranet site.
2. All posts and offices keeping paper versions of the Foreign Affairs Manual are responsible for maintaining the FAM on a current basis (see 2 FAM 1116.5).
3. Use **KFAM** and **AINF** TAGS on **all** communications on FAM/FAH issues.